



Our Ref.: 003431.P009X

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Alan Finkelstein

Serial No.: **09/767,317**

Filed: **01/22/2001**

For: **WALLET CARD WITH
MAGNIFYING LENS AND LIGHT**

Art Unit: **2876**

Examiner: **Kim, Ahshik**

TECHNOLOGY CENTER 2800

FEB - 3 2004

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TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Mail Stop: Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petitioner, LensCard U.S. LLC., is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,608,203. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patents granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination

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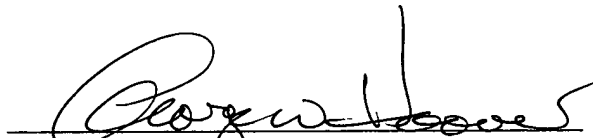
certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

LENSCARD U.S. LLC

Dated: January 20, 2004

By:


George W Hoover
Blakely, Sokoloff, Taylor & Zafman LLP
Reg. No. 32,992
Attorney for LensCard U.S. LLC

☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

☒ PTO suggested wording for terminal disclaimer was:

☒ unchanged; ☐ changed (if changed, an explanation should be supplied).